

# MICHAEL FAILLACE & ASSOCIATES, P.C.

Employment and Litigation Attorneys

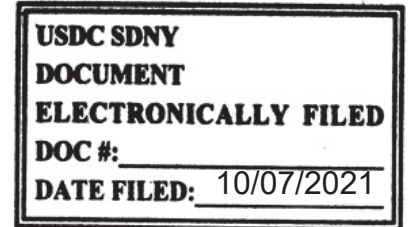
60 East 42nd Street, Suite 4510  
New York, New York 10165

Telephone: (212) 317-1200  
Facsimile: (212) 317-1620

October 6, 2021

**VIA ECF**

Hon. Robert W. Lehrburger  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Barreto Pelon, et al v. Gabi Operating Corp., et al  
Docket No.: 19-cv-00502 (RWL)

Your Honor:

Our office represents Plaintiffs in the above-referenced matter. I write, on consent from Defendants' counsel, to respectfully request from the Court: 1) a sixty-day extension for the Parties to jointly file all materials necessary for preliminary approval of a class-wide settlement; and 2) to file a Second Amended Complaint. These are the first requests of their kind.

The original deadline to submit the materials for preliminary approval of the settlement is October 8, 2021 (ECF Dkt. 131). The Parties are in the process of negotiating the terms of the settlement agreement and need additional time to finalize those terms and have the large number of parties sign that settlement agreement. In addition, the Parties are still conducting research as to whether Defendants can make Rule 68 offers to certain Plaintiffs and then proceed on a class-wide basis.

Plaintiffs are also requesting to file a Second Amended Complaint for the primary purpose of adding three Defendants, and removing two Defendants from the caption. In accordance with Rule III(D) of Your Honor's Individual Rules, Plaintiffs will file a request for a pre-motion conference with respect to the within application to file a Second Amended Complaint if the Court so requires.

October 6, 2021

Page 2

Plaintiffs thank the Court for its time and consideration of this matter.

Respectfully submitted,

/s/ William K. Oates  
William K. Oates Esq.  
MICHAEL FAILLACE & ASSOCIATES, P.C.  
*Attorneys for Plaintiffs*

cc: Ilan Weiser, Esq. (via ECF)  
*Attorney for Defendants*

The request for extension of time to file settlement materials is granted; the new deadline is December 8, 2021. No further extensions absent compelling circumstances. Plaintiff shall file the Second Amended Complaint, subject to Defendants' consent, by October 21, 2021.

SO ORDERED:



10/07/2021

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE